

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOAQUIN HERNANDEZ-AYALA,

Petitioner,

v.

ROBERT LeGRAND, et al.,

Respondents.

Case No. 3:13-cv-00134-MMD-WGC

ORDER

Petitioner has submitted an application to proceed *in forma pauperis* (dkt. no. 1), a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, and a motion for appointment of counsel. The Court finds that petitioner is unable to pay the filing fee. Petitioner is unable to afford counsel, and the issues presented warrant the appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B).

IT IS THEREFORE ORDERED that the application to proceed *in forma pauperis* (dkt. no. 1) is GRANTED. Petitioner need not pay the filing fee of five dollars (\$5.00).

IT IS FURTHER ORDERED that the Clerk of the Court shall file the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and the motion for appointment of counsel.

IT IS FURTHER ORDERED that petitioner's motion for appointment of counsel is GRANTED. The Federal Public Defender is provisionally appointed to represent petitioner.

IT IS FURTHER ORDERED that the Federal Public Defender shall have thirty (30) days from the date that this order is entered to undertake direct representation of

1 petitioner or to indicate to the court his inability to represent petitioner in these
2 proceedings. If the Federal Public Defender does undertake representation of
3 petitioner, he shall then have sixty (60) days to file an amended petition for a writ of
4 habeas corpus. If the Federal Public Defender is unable to represent petitioner, then
5 the Court shall appoint alternate counsel.

6 IT IS FURTHER ORDERED that the Clerk shall add Catherine Cortez Masto,
7 Attorney General for the State of Nevada, as counsel for respondents.

8 IT IS FURTHER ORDERED that the Clerk shall electronically serve both the
9 Attorney General of the State of Nevada and the Federal Public Defender a copy of the
10 petition and a copy of this order.

11 IT IS FURTHER ORDERED that respondents' counsel shall enter a notice of
12 appearance within twenty (20) days of entry of this order, but no further response shall
13 be required from respondents until further order of the Court.

14 IT IS FURTHER ORDERED that any exhibits filed by the parties shall be filed
15 with a separate index of exhibits identifying the exhibits by number or letter. The
16 CM/ECF attachments that are filed further shall be identified by the number or numbers
17 (or letter or letters) of the exhibits in the attachment. The hard copy of any additional
18 state court record exhibits shall be forwarded — for this case — to the staff attorneys in
19 Las Vegas.

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21 DATED THIS 15th day of May 2013.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE